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CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

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SEP 24 2001

OFFICE OF PETITIONS

In re Application of
Clear, Davis, Michels, Ganesh & Tallegas
Application No.:09/757349
Filed: January 8, 2001
Attorney Docket No.: 40030/SAH/X2
For: PACKET PROCESSOR WITH
PROGRAMMABLE APPLICATION LOGIC

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed July 24, 2001 (certificate of mailing date July 20, 2001).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on January 8, 2001 without an executed oath or declaration. Accordingly, on February 21, 2001, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on July 24, 2001 (certificate of mailing date July 20, 2001), a petition for a three month extension of time and required fee, a declaration, the surcharge, the petition fee, and the instant petition were filed. A declaration of facts of Jun-Young E. Jeon, a patent attorney for the firm handling the prosecution of this case, accompanied the petition. Mr. Jeon sets forth the last known address of Mr. Sundara Ganesh, the non-signing inventor, and explains that he mailed a cover letter, a copy of the application, a declaration and power of attorney, and an assignment document to inventor Ganesh at his last known address. Mr. Jeon states that inventor Ganesh did not respond to the request that he sign the oath or declaration for the patent application.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventors,
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor.

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration must contain the name, citizenship, residence, and mailing address of each inventor. A city and state is not sufficient for the mailing address requirement. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of inventor Ganesh or left blank in inventor Ganesh's signature block is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By facsimile: (703) 308-6916
 Attn: Office of Petitions

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy